



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 26 2014

Ms. L'Oreal Stepney, P.E., Deputy Director
Office of Water (MC-122)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Approval of site-specific copper criteria for unnamed tributary to Star Lake Canal

Dear Ms. Stepney:

The Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ) request for approval of site-specific criteria for copper, which were developed by the Calabrian Corporation.

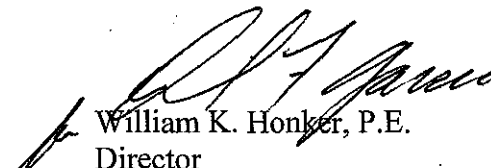
The site-specific copper criteria are applicable to a portion of an unnamed tributary (ditch) to Star Lake Canal within segment 0601 – Neches River Tidal. As required by 40 CFR §131.20, the request for approval of the copper criteria was originally submitted to EPA for review in January 2014. In response to the original request, EPA informed the TCEQ that the site-specific criteria copper were technically-approvable. However, EPA could not take a formal approval action on the copper criteria under §303(c) of the Clean Water Act at that time, as the public participation requirements found at 40 CFR Part 25 had not been fulfilled for the site-specific water quality standards revision. TCEQ recently completed the public participation requirements for the site-specific criteria, through the public notice on the proposed permit for the Calabrian Corporation's treatment facility (WQ0004731-001, NPDES TX0062448). No comments on the site-specific copper criteria were received during the public comment period.

The completed study resulted in water effect ratios (WERs) of 3.26 (measured as dissolved copper) and 3.22 (measured as total copper). Multiplying the dissolved WER by the statewide criteria for dissolved freshwater copper in Table 1 of the *Texas Surface Water Quality Standards* (TSWQS), results in site-specific of 34.86 µg/L (acute) and 23.87 µg/L (chronic). The site-specific copper criteria are based on the recommendations for critical conditions from your staff, which indicate that use of freshwater aquatic life criteria and assumptions for segment 0704 – Hillebrandt Bayou are appropriate for use in this TPDES permit. The site-specific copper criteria apply at the point of discharge from outfall 001 and the statewide copper criteria apply to the remaining areas of Star Lake Canal and segment 0601 – Neches River Tidal. Based on our review of the study, the site-specific criteria have been demonstrated to protect aquatic life and are approved for Clean Water Act purposes. The site-specific criteria will be incorporated into Appendix E of the TSWQS in the next triennial revision.

The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." EPA is approving the site-specific copper criteria subject to the outcome of consultation with the U.S. Fish and Wildlife Service under §7(a)(2) of the Endangered Species Act.

If you should have any questions, please call me at (214) 665-7101, or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,


William K. Honker, P.E.
Director
Water Quality Protection Division

cc: Mike Pfeil, TCEQ - Water Quality Assessment Section (MC-150)
Gordon Cooper, TCEQ - Wastewater Permitting Section (MC-148)
Debbie Miller, TCEQ - Water Quality Standards Group (MC-234)